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Commissioner for Patents**REMARKS**

Claims 1-19 remain in the application.

Claims 1 and 17 are herein amended.

In Items 1 to 4 of the Office Action, the Examiner requests an election of claims under 35 U.S.C. 121. The Applicant argues that the claims of Group I, namely claims 1-12 and 17-19, and the claims of Group II, namely claims 13-16, present a single inventive concept, as will be described hereinafter. However, should the Examiner object to the Applicant's traverse of the restriction requirement for the above-described Groups I and II, the Applicant would elect Group I, consisting of claims 1-12 and 17-19, for the prosecution of the present application.

The Applicant does not concur with the restriction requirement of the Examiner. More specifically, the Applicant argues that the combination of limitations found in claim 1 is the same as for claim 13. Therefore, the method described in claims 13-16 is limited to being used with the device of claims 1-12. Accordingly, the Applicant believes that the election requirement of the Examiner with regard to Groups I and II is herein traversed.

In Item 6, the Examiner objects to claim 1 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,658,632 (hereinafter "*Krabill*"). *Krabill* discloses a masking device having a center strip 29 and outer strips 28. The center strip 29 is releasably interconnected to the outer strips 28 by way of perforations 26 and 27. As described between lines 26 and 56 of column 2, the masking device of *Krabill* is used by being positioned on a joint between a tub and a floor. The device 10 is adhered to the tub and the floor, at which point "*center strip 29 is completely removed and one outer strip 28 remains adhered to the tub and the other outer strip 28 remains adhered to the floor*". Accordingly, the strips that remain adhered to the tub and floor are used as guides for the application of a caulking joint, and are removed thereafter, such that any caulk that was inadvertently applied outside the opening and onto outer strips 28 will be removed with outer strips 28.

In Item 7 of the Office Action, the Examiner objects to claim 1 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,045,374 (hereinafter "*Tucker*").

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Tucker describes a plastic strip having a central curved region 14 and laterally directed flanges 16 and 18. As clearly shown in Fig. 2 of Tucker, the flanges 16 and 18 are adhered to opposed surfaces, such that the curved region 14 will cover any exposed edge.

In view of these references, the Applicant herein amends claim 1 to include the limitation *"a caulking joint formed between the first and the second surfaces"*. Moreover, claim 1 is also amended to change the expression *"central strip being adapted to cover the caulking joint"* to *"the central strip covering the caulking joint"*, and to amend the preamble, in view of the addition of the limitation *"caulking joint"* to claim 1.

Therefore, in view of the addition of *"caulking joint"* as a limitation in claim 1, the Applicant argues that claim 1 patentably distinguishes over both Krabill and Tucker. More specifically, neither Krabill nor Tucker discloses a central strip that covers a caulking joint so as to conceal the caulking joint behind the central strip. In Krabill, the central strip is clearly removed, so as to make place for the caulking joint. In Tucker, the finishing strip is provided to conceal a drywall edge, and therefore does not describe a central portion that covers a caulking joint.

Therefore, in view of these comments, the rejections under 35 U.S.C. 102(b) are herein traversed.

In Item 8 of the Office Action, the Examiner objects to claim 17 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,837,997 (hereinafter *"the Zellinger reference"*). The Zellinger reference describes a T-joint corner piece, as illustrated by 62, which conceals ends of sealing strips, such as the sealing strips illustrated at 20, 22 and 24 in Fig. 2, at an intersection of the sealing strips.

In view of the Examiner's rejection, the Applicant herein amends claim 17, so as to indicate that the cutting template is for *"guiding the cutting of ends of a pair of segments of the device"*. Therefore, the cutting template is clearly provided in order to guide the cutting of the device 10. The Zellinger corner piece clearly conceals the end of strips and is therefore not provided as a cutting template. Accordingly, the Examiner's rejection under 35 U.S.C. 102(b) is herein traversed by the amendment brought to claim 17.

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In view of the above amendments and remarks, this application is believed to be in condition for allowance, and early notice to that effect is earnestly solicited.

Respectfully submitted,

Gaetan MARTEL

By:

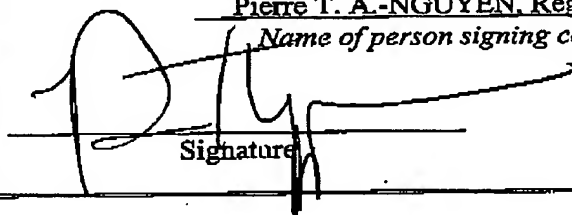
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(Date)

Pierre T. A.-NGUYEN (Reg. No. 55,043)
Agent of Record
OGILVY RENAULT LLP
1981 McGill College Avenue, Suite 1600
Montreal, Quebec, Canada H3A 2Y3
Tel.: (514)847-4243

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